

A Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, New York was held on Monday, April 21, 2008 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, New York.

The following officials were present:

Mayor Schmidt Trustee Brennan
Trustee Gallelli
Trustee Konig Treasurer/ Acting Manager Zambrano
Attorney Feldman

The following Official was absent: Trustee Olver

1. CALL TO ORDER

Mayor Schmidt called the meeting to order at 8:00 p.m. Everyone joined in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS

Trustee Brennan made a motion to approve the vouchers as follows: the motion was seconded by Trustee Gallelli and approved unanimously.

| | |
|--------------|-------------|
| General Fund | \$42,726.32 |
| Water Fund | 10,114.00 |
| Sewer | 2,371.06 |
| Capital Fund | 9,089.38 |
| Trust Fund | 134.00 |
| Total | \$64,434.76 |

3. PUBLIC HEARING

Public Hearing to consider a Steep Slopes Hardship Permit Application for 39 Trusesdale Drive.

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Trustee Brennan announced that he will recuse himself from participating in the Public Hearing because this has to do with his personal property.

Ron Wegner from the office of Cronin Engineering advised that he is here this evening representing John and Donna Nikic. Mr. Wegner advised that the application before the Board is for a Steep Slopes Hardship Permit for an existing vacant parcel of land on the west side of Trusesdale Drive. Mr. Wegner explained that the parcel is 3.5 acres in size, with the front third of the parcel consisting of a steep slope area. Mr. Wegner said that the majority of the steep slope disturbances are for the purpose of gaining access to the site. Mr. Wegner advised that the plan before the Board this evening represents the last plan that was brought before the Planning Board and incorporates comments that were received by the Planning Board and the Waterfront Advisory Committee.

Mayor Schmidt asked Mr. Wegner if the plan now incorporates all of the revisions and recommendations that the Board was given by the Planning Board.

Mr. Wegner responded by saying "yes." Mr. Wegner advised that the plan provides for the following: a stabilized construction entrance going up the entire steep portion of the driveway; an erosion/sediment control plan, a widened trench drain at the bottom of the driveway, and an additional infiltration unit and two additional drywells. Mr. Wegner advised that the driveway was also moved further north from the previous plan to provide some buffer for the neighbor. Mr. Wegner advised that trees will be placed on the parcel to the satisfaction of the Village and a retaining wall will be constructed early on in the construction process to avoid any runoff or erosion from the site.

Mayor Schmidt commented that there is a lot of new technology that goes into building homes on steep slopes today and new homes must meet the new Storm Water Regulations that older homes did not have in the past. Mayor Schmidt asked Mr. Wegner to explain some of the procedures and regulations they have to meet on projects such as these.

Mr. Wegner advised that they are required to provide mitigation for increases in runoff to a ten-year storm. Mr. Wegner said that this is being accomplished through the use of a drywell which will capture all runoff from roof leaders. Mr. Wegner added that in addition to creating a flat landing area at the bottom of the driveway, a trench drain will be installed across the driveway to capture everything that may come through this area. Mr. Wegner said that the purpose is so that everything leaving the area after a ten-year storm will be less than what is in the current condition.

Trustee Gallelli stated that it appears that the conditions that the Planning Board and the Waterfront Advisory Commission originally asked for have been provided. Trustee Gallelli asked Village Engineer, Dan O'Connor, if they have met the conditions requested by the Planning Board and Waterfront Advisory Committee.

Mr. O'Connor responded by saying that they have met the conditions.

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Trustee Gallelli advised that she attended all of the Planning Board meetings where this issue was discussed. Trustee Gallelli said that the Planning Board and the Waterfront Advisory Committee did an extremely thorough job looking at the property and addressing the concerns.

Mayor Schmidt commented that the Steep Slopes Law was never intended to put properties in situations where it could never be built on, but rather it was a measure to make sure that if it was built on, it was built properly .

There being no comments to come before the Board the Public Hearing was closed.

On motion of TRUSTEE KONIG, seconded by TRUSTEE GALLELLI, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with Mayor Schmidt, Trustees Gallelli and Konig voting aye and Trustee Brennan abstaining:

WHEREAS, John and Donna Nikic have applied for a special hardship permit for one family lot pursuant to Section 195-9 of the Village Steep Slopes Law for 39 Truesdale Drive; and

WHEREAS, the property is located at 39 Truesdale Drive; and

WHEREAS, this matter was referred to the Planning Board and Waterfront Advisory Committee for their recommendation and review; and

WHEREAS, the Planning Board recommended granting the Steep Slopes Hardship exemption subject to conditions outlined in a memo from Chris Kehoe dated March 28, 2008; and

WHEREAS, the Waterfront Advisory Committee found the project consistent with the relevant LWRP policies subject to the same conditions outlined by the Planning Board; and

WHEREAS, the applicant has modified its application to incorporate all of the recommendations submitted to the Village Board by the Planning Board and the Waterfront Advisory Committee.

NOW, THEREFORE BE IT RESOLVED: that pursuant to SEQRA, the Village Board hereby declares the application an unlisted action, adopts the Full Environmental Assessment Form and based on the modified application, the board determines that there will be no significant adverse environmental impacts and therefore issues a Negative Declaration,

AND BE IT FURTHER RESOLVED: That the Village Board of Trustees grants the Steep Slopes Hardship Permit in accordance with the Cronin Engineering Plans dated April 2, 2008.

5. CITIZEN PARTICIPATION - AGENDA ITEMS

There being no Citizen Participation, Mayor Schmidt closed Citizen Participation

6. RESOLUTIONS

a. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE BRENNAN, the following resolution was unanimously approved by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, through its action in the United States District Court, Southern District of New York captioned, "Ametek, Inc., et al. v. Kraft Foods North America Inc., et al.," (the "Action") the Croton Point Landfill Joint Defense Group (the "Industrial Plaintiffs") comprised of industrial parties who entered into a Consent Decree with New York State and the County of Westchester to settle an action for response costs for remediation of the Croton Point Sanitary Landfill, is seeking contribution from certain municipalities in Westchester County (the "Municipalities") under the Comprehensive Environmental Response, Compensation and Liability Act; and

WHEREAS, in April 2006 the Village agreed to join a defense group comprised of some of the other Municipalities (the "Municipal Defense Group") and entered into an agreement with Periconi, LLC to represent the Municipal Defense Group; and

WHEREAS, at that time the Village Board approved an initial payment to Periconi, LLC of \$5,000 for its share of the legal fees and related costs; and

WHEREAS, on May 7, 2007 the Village Board approved a second payment to Periconi, LLC in the amount of \$5,050 for its share legal fees and related costs; and

WHEREAS, Periconi, LLC has negotiated a settlement with the Industrial Plaintiffs whereby the Village will pay \$32,393 instead of the original \$85,000 originally demanded; and

WHEREAS, an additional \$2,592 for legal fees and related costs is owed by the Village to Periconi, LLC,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees authorizes the third payment to Periconi, Inc. in the amount of \$2,592,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees agrees to the settlement amount of \$32,393 and authorizes the Village Manager to send the settlement payment plus the share of attorney's fees to Periconi, LLC,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees accepts the Release Agreement executed between the Croton Point Landfill Joint Defense Group and the Village of Croton on Hudson,

AND BE IT FURTHER RESOLVED: that the total amount of \$34,985 be charged to the law account # A.1420-4000.

Trustee Gallelli stated that Municipalities were assessed based on how much use of the site they made with respect to disposing of their waste.

b. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE BRENNAN, the following resolution was unanimously approved by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Guardian News commenced an action against the Village challenging the constitutionality of section 67-2 of the Village Code; and

WHEREAS, the Village's Insurance Company referred the case to Miranda Sokoloff Sambursky Slone Verveniottis LLP (Miranda Sokoloff); and

WHEREAS, Miranda Sokoloff has negotiated a Stipulation and Order of Settlement with the Guardian News; and

WHEREAS, the Village's Attorney, James Staudt, has reviewed the settlement and recommends that the Village execute the Stipulation of Settlement,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees approves the Stipulation and Order of Settlement between the Guardian News, Inc. and the Village of Croton on Hudson,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees authorizes Adam Kleinberg, of Miranda Sokoloff to execute the Stipulation.

c. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE BRENNAN, the following resolution was unanimously approved by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village of Croton on Hudson has entered into an agreement with the SPCA of Westchester Inc. to provide animal shelter care on an annual basis; and

WHEREAS, the costs are increasing to operate this very necessary facility and the agreement reflects a modest increase and now needs to be renewed for the next fiscal year commencing June 1, 2008 – May 31, 2009;

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the agreement with the SPCA of Westchester, Inc. to provide certain services to the Village for seized, stray and homeless dogs and cats in accordance with the terms of the agreement at the annual cost of \$6,416.55.

Trustee Gallelli said that this has always been a bone of contention for her because she is not sure that we take enough animals to the SPCA to equal the payment that we make, but as a Village we have no alternative because if we did not sign this agreement the Village would be required to have this kind of service on staff which would cost far more than this agreement.

d. On motion of TRUSTEE BRENNAN, seconded by TRUSTEE KONIG, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board is considering allowing dog owners to walk their leashed dogs on the Riverwalk Trail at Croton Landing; and

WHEREAS, Local Law Introductory No. 1 Amending Chapters 108 and 168 has been drafted; and

WHEREAS, this Introductory Local Law has been reviewed by the Superintendent of Recreation & Parks and the Village Attorney,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees calls for a Public Hearing to consider Local Law Introductory No. 1 of 2008 amending Chapters 108 and 168 on May 5, 2008 at 8 pm in the meeting room of the Stanley H. Kellerhouse Municipal Building.

e. On motion of TRUSTEE KONIG, seconded by TRUSTEE BRENNAN, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the contract with DeCarvalho Landscaping for the sidewalk improvement program for sidewalk and curb expired on December 31, 2007; and

WHEREAS, this project was bid again and six bid proposals were received; and

WHEREAS, the lowest proposal was from Con-Tech Construction of Yorktown Heights for \$243,375; and

WHEREAS, the Village Engineer recommends awarding the contract to Con-Tech Construction,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to award the contract for sidewalk and curb to Con-Tech Construction for the amount of \$243,375,

AND BE IT FURTHER RESOLVED: that this amount should be charged to capital account #H-5110.2106.08158.

f. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE BRENNAN, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village intends to apply for Community Development Block Grant funding from Westchester County for the 2009-2011 funding cycle; and

WHEREAS, the projects the Village intends to apply for are as follows:

- (1) Infrastructure improvements at Farrington Road, including replacement of existing sanitary sewer main, installation of 10 manholes, replacement of existing sidewalk and curb including 100 feet on Hunter Place, and installation of water valves on Farrington
- (2) Infrastructure improvements on Hunter Place, including extension of the water main to eliminate a dead end in the system, replacing the existing curb to minimize drainage problems, installation of sanitary sewer manholes, and lining of the sanitary sewer main
- (3) Installation of sidewalk and curb on Stevenson Place and connecting to the existing sidewalks on North Riverside Avenue and Old Post Road North, Installation of storm water system improvements on Old Post Road North and Stevenson Place; and

WHEREAS, as part of the application process, the Village must hold a Public Hearing to discuss the merits of these projects,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a Public Hearing to consider the merits of the proposed CDBG projects for the 2009-2011 funding cycle at 8 pm on May 5, 2008 in the meeting room of the Stanley H. Kellerhouse Municipal Building.

g. On motion of TRUSTEE BRENNAN, seconded by TRUSTEE GALLELLI, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village signed a retainer agreement with McCullough Goldberger & Staudt in June of 2006 for its services as counsel to the Village of Croton-on-Hudson; and

WHEREAS, since that time the legal fees paid to McCullough Goldberger & Staudt have remained the same; and

WHEREAS, James Staudt is requesting an increase in the retainer for the 2008-09 fiscal year to \$55,000 per annum with an hourly rate for non-retainer services of \$275 per hour,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to approve the revised retainer fees of \$55, 00 per annum and \$275 per hour for non-retainer services to McCullough, Goldberger & Staudt for the 2008-09 fiscal year.

h. On motion of TRUSTEE KONIG, seconded by TRUSTEE GALLELLI, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, John & Donna Nikic have applied for a Steep Slope Hardship Permit for a vacant lot on Franklin Avenue; and

WHEREAS, this has been referred to the Planning Board and Waterfront Advisory Committee for their recommendation and review; and

WHEREAS, the Planning Board has now recommended that the Village Board grant the permit subject to certain conditions,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a Public Hearing at 8 p.m. in the meeting room of the Stanley H. Kellerhouse Municipal Building on May 5, 2008 to consider the application for the Steep Slope Hardship Permit at Franklin Avenue.

Trustee Brennan stated that this application is by the same owner who is interested in purchasing this piece of property but feels that he can be impartial and review this honestly and will represent the Village in the fairest way possible.

7. CITIZEN PARTICIPATION - NON-AGENDA ITEMS

Marshall Goldberg, 11 Alexander Lane, Croton, said that he and his neighbors were surprised to see a doubling of "No Parking" signs on their quiet dead-end street. Mr. Goldberg said that there are approximately 21 signs on a street that is two-tenths of a mile long and standing anywhere on Alexander Lane one can see a minimum of three to four signs. Mr. Goldberg said that he and his neighbors are unclear as to why these signs were installed and requested that the Board review this. Mrs. Goldberg presented the Board with a Petition signed by residents of Alexander Lane requesting that the signs be removed.

Mayor Schmidt said that the Village enacted certain Rules and Regulations for Alexander Lane because of its proximity to the fields to make sure that it wasn't overrun by people parking there. Mayor Schmidt said that he has also received some calls and the Board is reviewing this.

Interim Village Manager, Abe Zambrano, commented that a couple of weeks ago there were concerns and problems that the Recreation Department had faced at the bottom of Alexander Lane and found that there were areas where there was not enough signage. Mr. Zambrano said that this action was taken because when people came to court they were claiming that there was no signage which prompted the additional signs.

Trustee Gallelli said that there might be other ways to address the problem. Trustee Gallelli said that the signs seem to be only hundred feet apart on both sides of the street which seems to be a bit excessive. Trustee Gallelli suggested staggering *"No Parking Either Side"* which would cut the signage in half.

Mayor Schmidt said that he has also heard from some residents on Alexander Lane that they would like to be able to park on the street especially to allow for company and guests. Mayor Schmidt said that this is the question we need to address as to whether or not these signs are really necessary for what we are trying to achieve at this end of the street.

Trustee Gallelli said that residents who have needed parking in the past for guests have called the Police Department and advised them that they are having a party; their guests will be parking on the street and that appeared to have taken care of the problem.

Mayor Schmidt said that the Board will take a look at this to see what works best for the residents.

Kevin Davis, 17 Wolf Road, asked Trustee Konig if she had any updates on the discussions with the Recreation Advisory Committee and the Town of Cortlandt regarding the Community Center.

Trustee Konig stated that she did not have a report this evening.

8. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes as amended of the Executive Session held on Wednesday, March 26, 2008 at 7:30 p.m. Trustee Konig seconded the motion. The Board voted unanimously to approve the minutes.

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Wednesday, March 26, 2008 at 9:12 p.m. Trustee Konig seconded the motion. The Board voted unanimously to approve the minutes.

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Trustee Brennan made a motion to approve the minutes of the Annual Organizational Meeting held on Monday, April 7, 2008. Trustee Konig seconded the motion. The Board voted unanimously to approve the minutes.

Trustee Brennan made a motion to approve the minutes as amended of the Regular Meeting held on Monday, April 7, 2008. Trustee Konig seconded the motion. The Board voted unanimously to approve the minutes.

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Monday, April 7, 2008. Trustee Konig seconded the motion. The Board voted unanimously to approve the minutes.

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Monday, April 14, 2008. Trustee Gallelli seconded the motion. The Board voted unanimously to approve the minutes.

9. REPORTS

Interim Village Manager Abe Zambrano, advised that he received a letter from Mark Mannix of Metro- North updating the Village on what Metro- North has accomplished thus far at the Croton- Harmon Rail Yard. Mr. Zambrano highlighted parts of the letter as follows:

- Recovered 13,198 gallons of diesel fuel
- Recovered approximately 1,000 gallons of the 650 tons from the soil they have removed
- Put in several temporary recovery wells
- Found that through pumping of these wells there is less and less diesel fuel
- Has cleaned areas to the south, east and west and are now focusing on the northeast area
- Will install a more permanent recovery system including trenches and recovery wells
- Geologists on the site have said that the cleanup is progressing well

Trustee Konig thanked the Recreation Department, DPW Department, coaches and parents for making the Little League opening day celebrations a success. Trustee Konig said that the Croton Point Landfill Joint Defense Group is a good deal for Croton but it seems that garbage always costs the Village something. Trustee Konig wished everyone a happy Passover and happy Orthodox Easter.

Trustee Gallelli reported that consultants were hired to do a Traffic Analysis of access issues with regard to the Croton - Harmon Railroad Station along Croton Point Avenue and South Riverside. Trustee Gallelli advised that an input meeting was held on April 15th; a number of people came including the Bicycle Pedestrian Committee along with many community members and a very thorough, extensive discussion was held. Trustee Gallelli advised that new officers of the Croton Senior Center were installed at their

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Installation Luncheon; they currently have 162 active members. Trustee Gallelli advised that on May 1st the Village Board will be meeting with representatives from the New York City DEP; they will be presenting their plans with respect to changes at the Croton Reservoir that include raising the level of the Reservoir. Trustee Gallelli said that this could have implications to the water that runs down Croton River through Silver Lake and past Black Rock and will report back to the community as to what their plans are. Trustee Gallelli reminded everyone that the Blood Drive is scheduled for May 4th at the Croton- Harmon High School.

Trustee Brennan said that he and the entire Board attended the April 15th Traffic Analysis meeting and it was very informative. Trustee Brennan encouraged everyone to come out and help plant at Mayo's Landing and at the Arboretum on May 10th. Trustee Brennan announced that the Board will be meeting with Dvirka and Bartilucci regarding the Train Station Parking Lot proposed project. Trustee Brennan wished everyone a happy Passover.

Mayor Schmidt announced that Earth Day is Saturday, May 3rd; celebrations will be held at Senesqua Park from 9:00 a.m. to noon and are sponsored by the Conservation Advisory Council and the Croton Recreation Department. Mayor Schmidt advised that the Board has met with Verizon on the FIOS issue and has hired special counsel to assist the Village with the negotiations with respect to a Franchise Agreement with Verizon. Mayor Schmidt asked anyone who was unable to attend the Traffic Analysis meeting held on April 15th to please send in their comments, concerns or suggestions to Village Hall. Mayor Schmidt announced that the Arbor Day celebrations will be held on Wednesday, April 23rd at Veteran's Corner.

There being no further comments to come before the Board, a motion to close the meeting at 9:43 p.m. was made by Trustee Brennan and seconded by Trustee Konig. Motion was unanimously approved.

Respectfully submitted,

Pauline DiSanto, Village Clerk